

This bill was passed into law without the Governor's signature. The following image does not reflect the original bill with the signature page depicting the signatures of the Speaker of the House, the President of the Senate, and the clerk of the originating house. The copy shown was provided by the LRC Public Bill Room.



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 537

AS ENACTED

TUESDAY, APRIL 11, 2006

AN ACT relating to fees and the distribution thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 64.090 is amended to read as follows:

2 (1) Sheriffs may charge and collect the following fees from the Commonwealth and any
3 of its agencies, including the Department of State Police, when the source of
4 payment is not otherwise specified, if the Commonwealth, any of its agencies, or the
5 Department of State Police makes a request that the sheriff perform any of the
6 following:

7 (a) Executing and returning process \$20.00;

8 (b) Serving an order of court and return 3.00;

9 (c) Summoning or subpoenaing each witness, fee to be paid by requester
10 to sheriff before service 10.00;

11 (d) Summoning an appraiser or reviewer 2.00;

12 (e) Attending a surveyor, when ordered by a
13 court, per deputy or sheriff assigned 20.00;

14 (f) Taking any bond that he is authorized or
15 required to take in any action 5.00;

16 (g) Collecting money under execution or distress warrant, if the debt is paid or the
17 property sold, or a delivery bond given and not complied with, six percent
18 (6%) on the first three hundred dollars (\$300) and three percent (3%) on the
19 residue; when he levies an execution or distress warrant, and the defendant
20 replevies the debt, or the writ is stayed by legal proceedings or by the order of
21 the plaintiff, half of the above commissions, to be charged to the plaintiff and
22 collected as costs in the case;

23 (h) Taking a recognizance of a witness 3.00;

24 (i) Levying an attachment 5.00;

25 (j) When property attached is sold by an officer other than the officer levying the

- 1 attachment, the court shall, in the judgment, make the officer an additional
 2 and reasonable allowance for levying the attachment, and the fee of the officer
 3 selling the property shall be lessened by that sum. Reasonable charges for
 4 removing and taking care of attached property shall be allowed by order of
 5 court;
- 6 (k) Summoning a garnishee 3.00;
- 7 (l) Summoning a jury in a misdemeanor case, attending the trial, and
 8 conducting the defendant to jail, to be paid by the party
 9 convicted 8.00;
- 10 (m) Serving process or arresting the party in
 11 misdemeanor cases, to be paid by the plaintiff 30.00;
- 12 (n) Serving an order or process of revivor 3.00;
- 13 (o) Executing a writ of possession against each tenant or defendant 7.00;
- 14 (p) Executing a capias ad satisfaciendum, the same commission as collecting
 15 money on execution. If the debt is not paid, but stayed or secured, half
 16 commission;
- 17 (q) Summoning and attending a jury in a case of forcible entry and
 18 detainer, besides fees for summoning witnesses 8.00;
- 19 (r) Collecting militia fines and fee-bills, ten percent (10%), to be deducted out of
 20 the fee-bill or fine;
- 21 (s) Levying for a fee-bill 3.00;
- 22 (t) Serving a notice 2.00;
- 23 (u) Serving summons, warrants or process of arrest in cases of
 24 children born out of wedlock 6.00;
- 25 (v) Serving a civil summons in a nonsupport case 10.00;
- 26 (w) Serving each order appointing surveyors of
 27 roads, to be paid out of the county levy 5.00;

- 1 (x) Serving each summons or order of court in applications concerning
 2 roads, to be paid out of the county levy if the road is established,
 3 and in all other cases to be paid by the applicant 5.00;
- 4 (y) Like services in cases of private passways to
 5 be paid by the applicant 5.00;
- 6 (z) Executing each writ of habeas corpus, to be
 7 paid by the petitioner 3.00;
- 8 (aa) All services under a writ issued under
 9 KRS 381.460 to 381.570 10.00; and
- 10 (bb) For services in summoning grand and petit jurors and performing his duties
 11 under KRS Chapter 29A the sheriff shall be allowed, for each person so
 12 summoned, and paid out of the State Treasury for constructive service the sum
 13 of \$1.50 and for personal service the sum of \$3.00.
- 14 (2) Sheriffs may charge and collect a fee of ~~forty~~[~~twenty~~] dollars ~~(\$40)~~[(~~\$20~~)] from any
 15 person not requesting the service of the sheriff on behalf of the Commonwealth, any
 16 of its agencies, or the Department of State Police for the services provided in
 17 subsection (1) of this section where a percentage, commission, or reasonable fee is
 18 not otherwise allowed. If a percentage, commission, or reasonable fee is allowed,
 19 that amount shall be paid. If payment is specified from a person other than the
 20 person who requested the service, then the person specified shall be responsible for
 21 payment.

22 Section 2. KRS 186.245 is amended to read as follows:

23 **Beginning January 1, 2007**~~Immediately upon July 15, 1994~~, every county clerk shall
 24 post a permanent notice that the fee increases contained in **this Act**~~[1994 Ky. Acts ch.~~
 25 ~~428]~~ were requested by the Kentucky County Clerks Association. The notice shall be
 26 printed in bold face type of sufficient point size to be read from a distance of at least three
 27 (3) feet. The notice shall be posted in a conspicuous place to ensure that every person

1 who enters the county clerk's office will readily see the notice.

2 Section 3. KRS 64.012 is amended to read as follows:

3 The county clerk shall receive for the following services the following fees:

4 (1) (a) Recording and indexing of a:

- 5 1. Deed of trust or assignment for the benefit of creditors;
- 6 2. Deed;
- 7 3. Real estate mortgage;
- 8 4. Deed of assignment;
- 9 5. Real estate options;
- 10 6. Power of attorney;
- 11 7. Revocation of power of attorney;
- 12 8. Leases which are recordable by law;
- 13 9. Deed of release of a mortgage or lien under KRS 382.360;
- 14 10. United States liens;
- 15 11. Release of a United States lien;
- 16 12. Release of any recorded encumbrance other than state liens;
- 17 13. Lis pendens notice concerning proceedings in bankruptcy;
- 18 14. Lis pendens notices;
- 19 15. Mechanic's and artisan's lien under KRS Chapter 376;
- 20 16. Assumed name;
- 21 17. Notice of lien issued by the Internal Revenue Service;
- 22 18. Notice of lien discharges issued by the Internal Revenue Service;
- 23 19. Original, assignment, amendment, or continuation financing
- 24 statement;
- 25 20. Making a record for the establishment of a city, recording the plan or
- 26 plat thereof, and all other service incident;
- 27 21. Survey of a city, or any part thereof, or any addition to or extensions

- 1 of the boundary of a city;
- 2 22. Recordings with statutory authority for which no specific fee is set,
- 3 except military discharges; and
- 4 23. Filings with statutory authority for which no specific fee is set.
- 5 For all items in this subsection if the entire thereof does not exceed
- 6 three (3) pages \$12.00
- 7 And, for all items in this subsection exceeding three (3) pages,
- 8 for each additional page \$3.00
- 9 And, for all items in this subsection for each additional reference
- 10 relating to same instrument \$4.00
- 11 (b) The twelve dollar (\$12) fee imposed by paragraph (a) of this subsection
- 12 shall be divided as follows:
- 13 1. Six dollars (\$6) shall be retained by the county clerk; and
- 14 2. Six dollars (\$6) shall be paid to the affordable housing trust fund
- 15 established in KRS 198A.710 and shall be remitted by the county clerk
- 16 within ten (10) days following the end of the quarter in which the fee
- 17 was received. Each remittance to the affordable housing trust fund
- 18 shall be accompanied by a summary report on a form prescribed by
- 19 the Kentucky Housing Corporation.
- 20 (2) Recording and indexing a file stamped copy of documents pertaining
- 21 to corporations authorized by KRS Chapter 271B. 272, 273, 274, 275,
- 22 or 279 that have been filed first with the Secretary of State:
- 23 (a) The entire record thereof does not exceed three (3) pages \$10.00
- 24 (b) And, exceeding three (3) pages, for each additional page \$3.00
- 25 (3) Recording wills or other probate documents pursuant to KRS
- 26 Chapter 392 or 394 \$ 8.00
- 27 (4) Recording court ordered name changes pursuant to KRS Chapter 401 \$ 8.00

1	<u>(5) For noting a security interest on a certificate of title pursuant to</u>	
2	<u>KRS Chapter 186A</u>	<u>\$12.00</u>
3	<u>(6) For filing the release of collateral under a financing statement</u>	
4	<u>and noting same upon the face of the title pursuant to KRS Chapter</u>	
5	<u>186 or 186A</u>	<u>\$5.00</u>
6	<u>(7) Filing or recording state tax or other state liens</u>	<u>\$5.00</u>
7	<u>(8) Filing release of a state tax or other state lien</u>	<u>\$5.00</u>
8	<u>(9) Marginal release, noting release of any lien, mortgage, or redemption</u>	
9	<u>other than a deed of release</u>	<u>\$8.00</u>
10	<u>(10) Acknowledging or notarizing any deed, mortgage, power of attorney,</u>	
11	<u>or other written instrument required by law for recording and certifying</u>	
12	<u>same</u>	<u>\$4.00</u>
13	<u>(11) Recording a land use restriction according to KRS 100.3681</u>	<u>\$15.00</u>
14	<u>(12) Recording plats, maps, and surveys, not exceeding 24 inches by</u>	
15	<u>36 inches, per page</u>	<u>\$20.00</u>
16	<u>(13) Recording a bond, for each bond</u>	<u>\$10.00</u>
17	<u>(14) Each bond required to be taken or prepared by the clerk</u>	<u>\$4.00</u>
18	<u>(15) Copy of any bond when ordered</u>	<u>\$3.00</u>
19	<u>(16) Administering an oath and certificate thereof</u>	<u>\$5.00</u>
20	<u>(17) Issuing a license for which no other fee is fixed by law</u>	<u>\$8.00</u>
21	<u>(18) Issuing a solicitor's license</u>	<u>\$15.00</u>
22	<u>(19) Marriage license, indexing, recording, and issuing certificate thereof</u>	<u>\$24.00</u>
23	<u>(20) Every order concerning the establishment, changing, closing, or</u>	
24	<u>discontinuing of roads, to be paid out of the county levy when</u>	
25	<u>the road is established, changed, closed, or discontinued, and by</u>	
26	<u>the applicant when it is not</u>	<u>\$3.00</u>
27	<u>(21) Registration of licenses for professional persons required to register</u>	

1	<u>with the county clerk</u>	<u>\$10.00</u>
2	<u>(22) Certified copy of any record</u>	<u>\$5.00</u>
3	<u>Plus fifty cents (\$.50) per page after three (3) pages</u>	
4	<u>(23) Filing certification required by KRS 65.070(1)(a)</u>	<u>\$5.00</u>
5	<u>(24) Filing notification and declaration and petition of candidates</u>	
6	<u>for Commonwealth's attorney</u>	<u>\$200.00</u>
7	<u>(25) Filing notification and declaration and petition of candidates for</u>	
8	<u>office in cities of the fifth or sixth class and candidates for county</u>	
9	<u>and independent boards of education</u>	<u>\$20.00</u>
10	<u>(26) Filing notification and declaration and petition of candidates for</u>	
11	<u>boards of soil and water conservation districts</u>	<u>\$20.00</u>
12	<u>(27) Filing notification and declaration and petition of candidates for</u>	
13	<u>other office</u>	<u>\$50.00</u>
14	<u>(28) Filing declaration of intent to be a write-in candidate for office</u>	
15	<u>other than municipal office in a city of the fifth or sixth class</u>	<u>\$50.00</u>
16	<u>(29) Filing declaration of intent to be a write-in candidate for municipal</u>	
17	<u>office in a city of the fifth or sixth class</u>	<u>\$20.00</u>
18	<u>(30) Filing petitions for elections, other than nominating petitions</u>	<u>\$50.00</u>
19	<u>(31) Notarizing any signature per signature</u>	<u>\$2.00</u>
20	<u>(32) Filing bond for receiving bodies under KRS 311.310</u>	<u>\$10.00</u>
21	<u>(33) Noting the assignment of a certificate of delinquency under</u>	
22	<u>KRS 134.480</u>	<u>\$10.00</u>
23	<u>(34) Filing a going out of business permit under KRS 365.445</u>	<u>\$50.00</u>
24	<u>(35) Filing a renewal of a going out of business permit under</u>	
25	<u>KRS 365.445</u>	<u>\$50.00</u>
26	<u>(36) Filing a grain warehouseman's license under KRS 359.050</u>	<u>\$10.00</u>
27	<u>(37) Filing and processing a transient merchant permit under</u>	

1	<u>KRS 365.680</u>	<u>\$25.00</u>
2	[Recording deed of trust or assignment for the benefit of creditors;	
3	— provided the entire thereof does not exceed three (3) pages	\$8.00
4	Exceeding three (3) pages, for each page	2.00
5	Copy and certification of same when ordered	5.00
6	Each bond required to be taken or prepared by the clerk	3.00
7	Copy of any bond when ordered	2.00
8	Recording a bond, each bond	8.00
9	Receiving the acknowledgment or proof of any deed, mortgage, or	
10	— agreement, power of attorney, or other written instrument required	
11	— by law to be done and certifying same	2.00
12	Taking the acknowledgment or proof of a deed of real estate, certifying	
13	— and recording the same and recording his own certificate, provided	
14	— the entire record thereof does not exceed three (3) pages	8.00
15	Exceeding three (3) pages, for each page	2.00
16	Certified copy of deed	5.00
17	Recording a mortgage of real estate, certificates, and all services	
18	— connected with the same, provided the entire record thereof	
19	— does not exceed three (3) pages	8.00
20	Exceeding three (3) pages, for each page	2.00
21	Certified copy of real estate mortgage	5.00
22	Recording deed of assignment of real estate mortgage	8.00
23	Noting release of any lien, mortgage, or redemption other	
24	— than a deed of release	3.00
25	Receiving the acknowledgment, recording, and certifying each	
26	— deed of release of a mortgage or lien under KRS 382.360	8.00
27	Each additional marginal notation relating to same instrument	3.00

1	Making a record for the establishment of a city, recording the plan or	
2	—— plat thereof, and all other services incident	8.00
3	Recording survey of a city, or any part thereof, or any addition to or	
4	—— extensions of the boundary of a city	8.00
5	Every order concerning the establishment, changing, closing, or	
6	—— discontinuing of roads, to be paid out of the county levy when	
7	—— the road is established, changed, closed, or discontinued, and by	
8	—— the applicant when it is not	2.00
9	Administering an oath and certificate thereof	2.00
10	Issuing license for which no other fee is fixed by law	5.00
11	Marriage license, bond, certificate and recording	24.00
12	For filing and indexing an original or continuation financing	
13	—— statement	8.00
14	For noting a security interest on a certificate of	
15	—— title under KRS Chapter 186A	12.00
16	For filing and indexing an assignment of a financing statement	8.00
17	For filing and noting a statement of release of collateral under	
18	—— a financing statement	5.00
19	Recording real estate options, provided the entire record thereof	
20	—— does not exceed three (3) pages	8.00
21	Exceeding three (3) pages, for each page	2.00
22	Recording power of attorney or revocation of power of attorney,	
23	—— provided the entire record thereof does not exceed three (3) pages	8.00
24	Exceeding three (3) pages, for each page	2.00
25	Recording plats, maps and surveys, not exceeding 24 inches	
26	—— by 36 inches, per page	15.00
27	Recording all leases which are recordable by law, provided the	

1	entire record thereof does not exceed three (3) pages	8.00
2	Exceeding three (3) pages, for each page	2.00
3	Marginal notation to same instrument	3.00
4	Filing or recording of certification of intention to operate a	
5	business under an assumed name	8.00
6	Filing a lien on a delinquent motor vehicle or trailer bill	8.00
7	Releasing a lien on a delinquent motor vehicle or trailer bill	2.00
8	Filing or recording of mechanic's and artisan's liens	
9	under KRS Chapter 376	8.00
10	Filing or recording of notice of lien issued	
11	by the Internal Revenue Service	8.00
12	Filing or recording of notice of lien discharges issued	
13	by the Internal Revenue Service	8.00
14	Filing or recording of lis pendens notice concerning proceedings in	
15	bankruptcy and other lis pendens notices, provided the entire	
16	record thereof does not exceed three (3) pages	8.00
17	Exceeding three (3) pages, for each page	2.00
18	Filing or recording United States liens, provided the entire record	
19	per lien does not exceed three (3) pages	8.00
20	Exceeding three (3) pages, for each page	2.00
21	Filing or recording release of a United States lien, provided the entire	
22	record per lien does not exceed three (3) pages	8.00
23	Exceeding three (3) pages, for each page	2.00
24	Filing or recording state tax or other state liens, other than liens on	
25	delinquent motor vehicles or trailers	5.00
26	Filing release of a state tax or other state lien, other than a lien	
27	on a delinquent motor vehicle or trailer	5.00

1	Filing notification and declaration and petition of candidates	
2	—— for Commonwealth's attorney, District Court, and Circuit Court	200.00
3	Filing notification and declaration and petition of candidates for office	
4	—— in cities of the fifth or sixth class and candidates for county and	
5	—— independent boards of education	20.00
6	Filing notification and declaration and petition of candidates	
7	—— for boards of soil and water conservation districts	20.00
8	Filing notification and declaration and petition of candidates	
9	—— for other offices	50.00
10	Filing declaration of intent to be a write-in candidate for	
11	—— office other than municipal office in a city of the fifth	
12	—— or sixth class	50.00
13	Recording wills or other probate documents under KRS 394.300	8.00
14	Registration of licenses for professional persons required to	
15	—— register with the county clerk	8.00
16	Recording and issuing articles, statements, or reports of corporations	
17	—— pursuant to KRS Chapters 271B, 272 and 273, including articles	
18	—— of incorporation, amendment, restatement of incorporation, merger,	
19	—— consolidation, or dissolution and statements of establishment	
20	—— of a series of shares, cancellation of a series of shares, reduction	
21	—— of capital, intent to dissolve, revocation of voluntary	
22	—— dissolution, or any other statement or report of a foreign or	
23	—— domestic corporation, provided the entire record thereof	
24	—— does not exceed three (3) pages	8.00
25	Exceeding three (3) pages, for each page	2.00
26	Miscellaneous recordings for which no specific fee is set,	
27	—— provided the entire record thereof does not exceed three (3) pages	

1	—— (except military discharges)	8.00
2	Exceeding three (3) pages, each additional page	2.00
3	Filing miscellaneous documents for which no specific fee is set,	
4	—— provided the entire record thereof does not exceed three (3) pages	8.00
5	Exceeding three (3) pages, each additional page	2.00
6	Filing petitions other than nominating petitions, provided the	
7	—— petition does not exceed three (3) pages	8.00
8	Exceeding three (3) pages, each additional page, except that	
9	—— the total fee for filing a petition other than a nominating petition	
10	—— shall not exceed \$50.00	2.00
11	Filing certification required by KRS 65.070(1)(a)	5.00
12	Certification of franchise tax assessment	5.00}

13 Section 4. KRS 189.456 is amended to read as follows:

- 14 (1) On the application of any person who has a severe visual, audio, or physical
15 impairment, including partial paralysis, lower limb amputation, chronic heart
16 condition, emphysema, arthritis, rheumatism, or other debilitating condition which
17 limits or impairs one's personal mobility or ability to walk, the county clerk in the
18 county of the person's residence shall issue the person with a disability an accessible
19 parking placard. In addition, any agency or organization which transports persons
20 with a disability as a part of the service provided by that agency or organization
21 shall receive an accessible parking placard upon application to the county clerk for
22 each vehicle used in the transportation of persons with a disability. The accessible
23 parking placard issued shall be a two (2) sided hanger style placard and shall on
24 each side bear the international symbol of access adopted by Rehabilitation
25 International in 1969, the date of expiration of the placard, a seal or other
26 identification of the Kentucky Transportation Cabinet, and shall contain the
27 accessible parking placard identification number and other information the

1 Transportation Cabinet may by regulation require. The international symbol of
 2 access shall be at least three (3) inches in height, be centered on the placard and in a
 3 white color on a blue shield.

4 (2) The county clerk shall issue an accessible parking placard at no charge that~~fee~~
 5 ~~payable to the county clerk for an accessible parking placard shall be eight dollars~~
 6 ~~(\$8.00) for each placard and the placard~~ shall be valid for a period of two (2) years,
 7 and which may be twice renewed for a period of two (2) years, without any~~fe~~
 8 ~~additional~~ fee being charged to the applicant. The application shall be made on a
 9 form prepared by the Transportation Cabinet. Placards shall be printed at cabinet
 10 expense and distributed to the county clerk of each county who shall keep a record
 11 of applications filed and placards issued.

12 (3) For every person seeking an accessible parking placard, proof of the disability shall
 13 be required by:

- 14 (a) Evidence that the individual has a license plate for a person with a disability
 15 as provided by KRS 186.041 or 186.042;
- 16 (b) The county clerk issuing the permit ascertaining that the applicant is obviously
 17 disabled; or
- 18 (c) A statement from a licensed physician that the applicant is a person whose
 19 mobility, flexibility, coordination, respiration, or perceptiveness is
 20 significantly reduced by a permanent disability to that person's arms, legs,
 21 lungs, heart, ears, or eyes.

22 (4) For every agency or organization seeking an accessible parking placard for a person
 23 with a disability, application for the placard shall include:

- 24 (a) Name of the agency or organization requesting use of an accessible parking
 25 placard;
- 26 (b) Number of vehicles being used in the transportation of persons with a
 27 disability; and

- 1 (c) A statement from the director of the agency or organization verifying the need
2 for the parking placard.
- 3 (5) The accessible parking placard shall, when the vehicle is parked in a parking space
4 identified as accessible to a person with a disability, be displayed so that it may be
5 viewed from the front and rear of the vehicle by hanging the placard from the front
6 windshield rear view mirror. When there is no rear view mirror, the placard shall be
7 displayed on the dashboard.
- 8 (6) A person who has not been issued a license plate for a person with a disability under
9 the provisions of KRS 186.041 or 186.042 may be issued a second parking placard
10 at no charge~~[for a fee of four dollars (\$4)]~~.
- 11 (7) A person with a disability who has been issued a parking placard pursuant to this
12 section may make application for a replacement placard by swearing in an affidavit
13 that the original placard has been lost, stolen, or destroyed. The replacement
14 parking placard shall be issued at no charge by the county clerk~~[fee for the~~
15 ~~replacement placard shall be two dollars (\$2)]~~.
- 16 (8) The Transportation Cabinet may promulgate administrative regulations pursuant to
17 KRS Chapter 13A to implement or administer this section.
- 18 Section 5. KRS 189.458 is amended to read as follows:
- 19 (1) Upon application of any person who has a severe temporary visual, audio, or
20 physical impairment, including partial paralysis, heart condition, emphysema,
21 arthritis, rheumatism, or other debilitating condition which limits or impairs one's
22 personal mobility or ability to walk as defined in KRS 186.042, the county clerk in
23 the county of the person's residence shall issue the person with a disability a
24 temporary accessible parking placard.
- 25 (2) The accessible parking placard issued shall be a two (2) sided hanger style placard
26 and shall on each side bear the international symbol of access adopted by
27 Rehabilitation International in 1969, the date of expiration of the placard, a seal or

1 other identification of the Kentucky Transportation Cabinet, and shall contain the
 2 accessible parking placard identification number and other information the
 3 Transportation Cabinet may by administrative regulation require. The international
 4 symbol of access shall be at least three (3) inches in height, be centered on the
 5 placard and in a white color on a red shield.

6 (3) ~~[The fee payable to the county clerk for]~~A temporary accessible parking placard
 7 shall be issued at no charge by the county clerk,~~[two dollars (\$2) for each placard]~~
 8 and the placard shall be valid for a period of not more than three (3) months.

9 (4) The application shall be made on a form prepared by the Transportation Cabinet.
 10 Placards shall be printed at cabinet expense and distributed to the county clerk of
 11 each county who shall keep a record of applications filed and placards issued.

12 (5) For every person seeking a temporary accessible parking placard, proof of the
 13 disability shall be required by a statement from a licensed physician that the
 14 applicant is a person whose mobility, flexibility, coordination, respiration, or
 15 perceptiveness is significantly reduced by a temporary disability to that person's
 16 arms, legs, lungs, heart, ears, or eyes.

17 (6) The temporary accessible parking placard, when the vehicle is parked in a parking
 18 space designated as accessible to and for the use of a person with a disability, shall
 19 be displayed so that it may be viewed from the front and rear of the vehicle by
 20 hanging it from the front windshield rear view mirror. When there is no rear view
 21 mirror, the placard shall be displayed on the dashboard.

22 (7) The Transportation Cabinet may promulgate administrative regulations pursuant to
 23 KRS Chapter 13A to implement or administer this section.

24 Section 6. KRS 134.810 is amended to read as follows:

25 (1) All state, county, city, urban-county government, school, and special taxing district
 26 ad valorem taxes shall be due and payable on or before the earlier of the last day of
 27 the month in which registration renewal is required by law for a motor vehicle

1 renewed or the last day of the month in which a vehicle is transferred.

2 (2) All state, county, city, urban-county government, school, and special taxing district
3 ad valorem taxes due on motor vehicles shall become delinquent following the
4 earlier of the end of the month in which registration renewal is required by law or
5 the last day of the second calendar month following the month in which a vehicle
6 was transferred.

7 (3) Any taxes which are paid within thirty (30) days of becoming delinquent shall be
8 subject to a penalty of three percent (3%) on the taxes due. However, this penalty
9 shall be waived if the tax bill is paid within five (5) days of the tax bill being
10 declared delinquent. Any taxes which are not paid within thirty (30) days of
11 becoming delinquent shall be subject to a penalty of ten percent (10%) on the taxes
12 due. In addition, interest at an annual rate of fifteen percent (15%) shall accrue on
13 said taxes and penalty from the date of delinquency. A penalty or interest shall not
14 accrue on a motor vehicle under dealer assignment pursuant to KRS 186A.220.

15 (4) When a motor vehicle has been transferred before registration renewal or before
16 taxes due have been paid, the owner pursuant to KRS 186.010(7)(a) and (c) on
17 January 1 of any year shall be liable for the taxes on the motor vehicle, except as
18 hereinafter provided.

19 (5) If an owner obtains a certificate of registration for a motor vehicle valid through the
20 last day of his second birth month following the month and year in which he applied
21 for a certificate of registration, all state, county, city, urban-county government,
22 school, and special tax district ad valorem tax liabilities arising from the assessment
23 date following initial registration shall be due and payable on or before the last day
24 of the first birth month following the assessment date or date of transfer, whichever
25 is earlier. Any taxes due under the provisions of this subsection and not paid as set
26 forth above shall be considered delinquent and subject to the same interest and
27 penalties found in subsection (3) of this section.

1 (6) For purposes of the state ad valorem tax only, all motor vehicles held for sale by a
 2 licensed Kentucky dealer and all motor vehicles with a salvage title held by an
 3 insurance company on January 1 of any year shall not be taxed as a motor vehicle
 4 pursuant to KRS 132.485 but shall be subject to ad valorem tax as goods held for
 5 sale in the regular course of business under the provisions of KRS 132.020(1)(m)
 6 and 132.220.

7 (7) Any provision to the contrary notwithstanding, when any ad valorem tax on a motor
 8 vehicle becomes delinquent, the state and each county, city, urban-county
 9 government, or other taxing district shall have a lien on all motor vehicles owned or
 10 acquired by the person who owned the motor vehicle at the time the tax liability
 11 arose. A lien for delinquent ad valorem taxes shall not attach to any motor vehicle
 12 transferred while the taxes are due on that vehicle. For the purpose of delinquent ad
 13 valorem taxes on leased vehicles only, a lien on a leased vehicle shall not be
 14 attached to another vehicle owned by the lessor.

15 (8) The lien required by subsection (7) of this section shall be filed and released by the
 16 automatic entry of appropriate information in the AVIS database. For the filing and
 17 release of each lien or set of liens arising from motor vehicle ad valorem property
 18 tax delinquency, a fee of two dollars (\$2)~~one dollar (\$1)~~ shall be added to the
 19 delinquent tax account. The fee shall be collected and retained by the county clerk
 20 who collects the delinquent tax.

21 (9) The implementation of the automated lien system provided in this section shall not
 22 affect the manner in which commercial liens are recorded or released.

23 Section 7. KRS 186.040 is amended to read as follows:

24 (1) Upon receiving the application and fee, the county clerk shall issue to the owner a
 25 certificate of registration containing the information required by subsection (2) of
 26 this section and a registration plate. If the cabinet finds that there is a shortage of
 27 materials suitable for making plates, or that a substantial saving will result, it may

1 require by regulation with the approval of the Governor that previously issued plates
 2 continue to be used for a designated period. Except as provided in subsection (3) of
 3 this section, for services performed, the owner shall pay the county clerk the sum of
 4 ~~six~~~~[three]~~ dollars ~~(\$6)~~~~[((\$3))]~~ for each registration, or if the registration exceeds a
 5 twelve (12) month period, the clerk shall receive a fee of ~~nine~~~~[four]~~ dollars
 6 ~~(\$9)~~~~[((\$4))]~~.

7 (2) The certificate of registration shall contain the registration number, the name and
 8 post office address of the owner, and such other information as the cabinet may
 9 require.

10 (3) An owner who registers a vehicle under KRS 186.050 that has a declared gross
 11 vehicle weight with any towed unit of forty-four thousand and one (44,001) pounds
 12 or greater shall pay the county clerk ~~thirty~~~~[twenty]~~ dollars ~~(\$30)~~~~[((\$20))]~~ for each
 13 registration. The clerk shall retain the ~~thirty~~~~[twenty]~~ dollar ~~(\$30)~~~~[((\$20))]~~ fee for
 14 services performed under this subsection.

15 (4) Any person requesting a certificate of registration or renewal of registration of any
 16 type of motor vehicle shall have the opportunity to donate one dollar (\$1) to the
 17 child care assistance account. The one dollar (\$1) donation shall be added to the
 18 regular fee for vehicle registration. One donation may be made per issuance or
 19 renewal of vehicle registration. Donation to the child care assistance account shall
 20 be voluntary and may be refused by the applicant at the time of the issuance or
 21 renewal of any vehicle registration.

22 (5) The county clerk may retain five percent (5%) of fees collected for the child care
 23 assistance account under subsection (4) of this section. The remaining funds shall
 24 be deposited into a trust and agency account in the State Treasury to the credit of the
 25 Cabinet for Health and Family Services for the exclusive use as follows:

26 (a) Funds shall be made available to the agencies that administer child care
 27 subsidy funds; and

(b) Funds shall be used as determined by the cabinet for working families whose income exceeds the state income eligibility limits for child day care assistance.

(6) Notwithstanding any other provision of law, in addition to the registration fee provided for county clerks in subsections (1) and (3) of this section, an additional three dollars (\$3) per registration shall be collected by the county clerk at the time of registration. This additional fee shall be distributed as follows:

(a) One dollar (\$1) shall be placed in an agency fund to provide additional funds exclusively for technological improvements or replacement of the AVIS system. The operation and maintenance of AVIS shall remain as currently provided for from the operational budget of the Transportation Cabinet and shall not be reduced below the 2005-2006 funding level;

(b) One dollar (\$1) shall be placed in an agency trust fund to provide funds exclusively for technological improvements to the hardware and software in county clerk offices related to the collection and administration of road fund taxes. The Transportation Cabinet, in consultation with county clerks, shall allocate funds as necessary from this fund to be used for this exclusive purpose; and

(c) One dollar (\$1) shall be placed in a trust fund to be maintained by the Transportation Cabinet to provide an unrestricted revenue supplement, for operations of the office related to the collection and administration of road fund taxes, to county clerk offices in counties containing a population of less than twenty thousand (20,000), as determined by the decennial census, and for no other purpose. Annually, by March 1, the Transportation Cabinet shall calculate the amount collected in the previous calendar year and distribute the entire fund proportionate to each county that qualifies under this paragraph based on population. This revenue shall be considered

1 current year revenue when paid to the clerk and shall not be identified as
 2 excess fees from the previous year.

3 Section 8. KRS 64.530 is amended to read as follows:

- 4 (1) Except as provided in subsections (5) and (6) of this section, the fiscal court of each
 5 county shall fix the compensation of every county officer and employee except the
 6 officers named in KRS 64.535 and the county attorney and jailer. The fiscal court
 7 may provide a salary for the county attorney.
- 8 (2) For the purposes of this section, justices of the peace and constables in all counties
 9 shall be deemed to be county officers and deputies or assistants of county officers
 10 shall be deemed to be county employees, but employees of county boards or
 11 commissions which are now authorized by law to fix the compensation of their
 12 employees shall not be deemed to be county employees for the purposes of this
 13 section.
- 14 (3) In the case of officers compensated from fees, or partly from fees and partly by
 15 salary, the fiscal court shall fix the maximum compensation that any officer except
 16 the officers named in KRS 64.535 may receive from both sources. The fiscal court
 17 may also fix the maximum amount that the officer may expend each year for
 18 expenses of his office. The fiscal court shall fix annually the maximum amount,
 19 including fringe benefits, which the officer may expend for deputies and assistants,
 20 and allow the officer to determine the number to be hired and the individual
 21 compensation of each deputy and assistant. Any revenue received by a county clerk
 22 in any calendar year shall be used exclusively for the statutory duties of the
 23 county clerk and budgeted accordingly. At the conclusion of each calendar year,
 24 any excess fees remaining shall be paid to the fiscal court pursuant to KRS
 25 64.152.
- 26 (4) In the case of county officers elected by popular vote and the county attorney, in the
 27 event the fiscal court provides him a salary, the monthly compensation of the officer

1 and of his deputies and assistants shall be fixed by the fiscal court, consistent with
2 the provisions of subsection (3) of this section, not later than the first Monday in
3 May in the year in which the officers are elected, and the compensation of the
4 officer shall not be changed during the term but the compensation of his deputies or
5 assistants may be reviewed and adjusted by the fiscal court not later than the first
6 Monday in May of any successive year upon the written request of the officer. On or
7 before August 1, 1966, the fiscal court shall fix the salary provided herein for the
8 county attorneys for the term commencing in January, 1966, notwithstanding any
9 other provisions of this section which may be inconsistent herewith.

10 (5) Nothing in this section shall apply to property valuation administrators or their
11 deputies, assistants, and expenses, in any county, or to the circuit court clerk, county
12 clerk, sheriff, jailer, and their deputies, assistants, and expenses, in counties having
13 a population of seventy thousand (70,000) or more. If a county's population that
14 equaled or exceeded seventy thousand (70,000) is less than seventy thousand
15 (70,000) after the most recent federal decennial census, then the provisions of KRS
16 64.368 shall apply.

17 (6) Justices of the peace serving on a fiscal court in any county, and county
18 commissioners serving on a fiscal court in any county other than one containing a
19 city of the first, second, third, or fourth class, shall be paid for their services, out of
20 the county treasury, not to exceed the maximum compensation allowable under
21 KRS 64.527. The fiscal court shall fix the amount to be received within the above
22 limit, but no change of compensation shall be effective as to any member of a fiscal
23 court during his term of office. The compensation of county commissioners serving
24 on fiscal courts in counties containing a city of the first class shall not exceed nine
25 thousand six hundred dollars (\$9,600) per year; in counties containing cities of the
26 second class it shall not exceed nine thousand dollars (\$9,000) per year; and in
27 counties containing cities of the third or fourth class it shall not exceed twenty

1 percent (20%) more than the annual compensation paid in the county for the
2 calendar year immediately preceding 1974; and all of said annual salaries shall be
3 payable monthly. Justices of the peace and county commissioners shall not receive
4 any compensation for their services on the fiscal court, other than as provided by
5 this section; provided, however, justices of the peace and county commissioners
6 may receive no more than three thousand six hundred dollars (\$3,600) annually or
7 three hundred dollars (\$300) per month as an expense allowance for serving on
8 committees of the fiscal court. The fiscal court shall fix the amount to be received
9 within the above limit, but no change of compensation except as provided in KRS
10 64.285 shall be effective as to any member of a fiscal court during his term of
11 office.

12 Section 9. KRS 186.190 is amended to read as follows:

- 13 (1) When a motor vehicle that has been previously registered changes ownership, the
14 registration plate shall remain upon the motor vehicle as a part of it until the
15 expiration of the registration year.
- 16 (2) A person shall not purchase, sell, or trade any motor vehicle without delivering to
17 the county clerk of the county in which the sale or trade is made the title, and a
18 notarized affidavit if required and available under KRS 138.450 attesting to the total
19 and actual consideration paid or to be paid for the motor vehicle. Any unexpired
20 registration shall remain valid upon transfer of the vehicle to the new owner. Except
21 for transactions handled by a motor vehicle dealer licensed pursuant to KRS
22 Chapter 190, the person who is purchasing the vehicle shall present proof of
23 insurance in compliance with KRS 304.39-080 to the county clerk before the clerk
24 transfers the registration on the vehicle. Proof of insurance shall be in the manner
25 prescribed in administrative regulations promulgated by the Office of Insurance
26 pursuant to KRS Chapter 13A. On and after January 1, 2006, if the motor vehicle is
27 a personal motor vehicle as defined in KRS 304.39-087, proof of insurance shall be

1 determined by the county clerk as provided in KRS 186A.042.

2 (3) Upon delivery of the title, and a notarized affidavit if required and available under
 3 KRS 138.450 attesting to the total and actual consideration paid or to be paid for the
 4 motor vehicle to the county clerk of the county in which the sale or trade was made,
 5 the seller shall pay to the county clerk a transfer fee of two dollars (\$2)~~one dollar~~
 6 ~~(\$1)~~, which shall be remitted to the Transportation Cabinet. If an affidavit is
 7 required, and available, the signatures on the affidavit shall be individually
 8 notarized before the county clerk shall issue to the purchaser a transfer of
 9 registration bearing the same data and information as contained on the original
 10 registration receipt, except the change in name and address. The seller shall pay to
 11 the county clerk a fee of six~~three~~ dollars (\$6)~~(\$3)~~ for his services.

12 (4)~~When a county clerk issues to a purchaser a transfer of registration in a county other~~
 13 ~~than the one (1) in which the motor vehicle was originally registered, the clerk shall~~
 14 ~~immediately forward one (1) copy of the transfer of registration to the clerk of the~~
 15 ~~county of original registration.~~

16 (5)~~]~~ If the owner junks or otherwise renders a motor vehicle unfit for future use, he shall
 17 deliver the registration plate and registration receipt to the county clerk of the
 18 county in which the motor vehicle is junked. The county clerk shall return the plate
 19 and motor vehicle registration receipt to the Transportation Cabinet. The owner
 20 shall pay to the county clerk one dollar (\$1) for his services.

21 (5)~~(6)~~ A licensed motor vehicle dealer shall not be required to pay the transfer fee
 22 provided by this section, but shall be required to pay the county clerk's fee provided
 23 by this section.

24 (6)~~(7)~~ The motor vehicle registration receipt issued by the clerk under this section
 25 shall contain information required by the Department of Vehicle Regulation.

26 Section 10. KRS 186A.245 is amended to read as follows:

27 (1) If a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible,

the owner or legal representative of the owner named in the certificate shall promptly make application to the county clerk for and may obtain a duplicate, upon furnishing information satisfactory to the Department of Vehicle Regulation. The duplicate certificate of title shall contain appropriate words or symbols to indicate that it is a duplicate. Each application for a duplicate certificate of title shall be ~~six~~^{four} dollars ~~(\$6)~~^(\$4), of which the county clerk shall retain ~~four~~^{three} dollars ~~(\$4)~~^(\$3), and the Transportation Cabinet ~~one dollar~~^{two dollars (\$2)}. It shall be mailed to the owner.

(2) The Department of Vehicle Regulation shall make provisions for production and issuance of a duplicate title if update of information is requested. The provisions shall be generally consistent with the procedures for production and issuance of a certificate of title in the first instance as provided in this chapter.

(3) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the Department of Vehicle Regulation.

(4) Application for documents provided for by this section shall be made to the county clerk upon forms provided to him by the Department of Vehicle Regulation.

Section 11. KRS 186A.130 is amended to read as follows:

There shall be paid for issuing and processing documents required by this chapter fees according to the following schedule:

(1) Each application for a certificate of title shall be ~~nine~~^{six} dollars ~~(\$9)~~^(\$6), of which the county clerk shall retain ~~six dollars (\$6)~~^{sixty-six and two-thirds percent (66-2/3%)} and the Transportation Cabinet shall receive ~~three dollars (\$3)~~^{thirty-three and one-third percent (33-1/3%)}.

(2) Each application for a replacement or corrected certificate of title shall be ~~six~~^{four} dollars ~~(\$6)~~^(\$4) of which ~~the~~ county clerk shall retain ~~four~~^{three} dollars ~~(\$4)~~^(\$3) and the Transportation Cabinet shall receive ~~one dollar~~^{two dollars (\$2)}.

1 ~~(\$1)~~. If a corrected certificate must be issued because of an error of the county
2 clerk or the Department of Vehicle Regulation, there shall be no charge.

3 (3) Each application for a speed title shall be twenty-five dollars (\$25), of which the
4 county clerk shall retain five dollars (\$5) and the Transportation Cabinet shall
5 receive twenty dollars (\$20).

6 Section 12. KRS 142.010 is amended to read as follows:

7 (1) The following taxes shall be paid:

8 (a) A tax of four~~three~~ dollars and fifty cents (\$4.50)~~(\$3.50)~~ on each marriage
9 license;

10 (b) A tax of four~~three~~ dollars (\$4)~~(\$3)~~ on each power of attorney to convey
11 real or personal property;

12 (c) A tax of four~~three~~ dollars (\$4)~~(\$3)~~ on each mortgage, financing statement,
13 or security agreement and on each notation of a security interest on a
14 certificate of title under KRS 186A.190;

15 (d) A tax of four~~three~~ dollars (\$4)~~(\$3)~~ on each conveyance of real property;
16 and

17 (e) A tax of four~~three~~ dollars (\$4)~~(\$3)~~ on each lien or conveyance of coal, oil,
18 gas, or other mineral right or privilege.

19 (2) The tax imposed by this section shall be collected by each county clerk as a
20 prerequisite to the issuance of a marriage license or the original filing of an
21 instrument subject to the tax. Subsequent assignment of the original instrument
22 shall not be cause for additional taxation under this section. This section shall not
23 be construed to require any tax upon a deed of release of a lien retained in a deed or
24 mortgage.

25 (3) Taxes imposed under this section shall be reported and paid to the Department of
26 Revenue by each county clerk within ten (10) days following the end of the calendar
27 month in which instruments subject to tax are filed or marriage licenses issued.

1 Each remittance shall be accompanied by a summary report on a form prescribed by
2 the department.

3 (4) Any county clerk who violates any of the provisions of this section shall be subject
4 to the uniform civil penalties imposed pursuant to KRS 131.180. In every case, any
5 tax not paid on or before the due date shall bear interest at the tax interest rate as
6 defined in KRS 131.010(6) from the date due until the date of payment.

7 **(5) One dollar (\$1) of the amount collected under each paragraph of subsection (1)**
8 **of this section shall be placed in an agency fund in the Department for Libraries**
9 **and Archives to be used exclusively for the purpose of preserving and retaining**
10 **public records by continuing the local records grant program active in the**
11 **Department for Libraries and Archives. The budgeted amount of funds allocated**
12 **to the grant program in the fiscal year 2005-2006 departmental budget shall not**
13 **be reduced in future years, and shall be increased annually by this additional**
14 **revenue to be used exclusively for the grants program.**

15 Section 13. KRS 98.013 is amended to read as follows:

16 (1) On and after July 1, 1952 a city of the first class shall have a lien upon all real estate
17 and rights to real estate belonging to or thereafter acquired by any recipient of
18 general assistance through said city's department of public welfare. The lien shall
19 become effective upon the first payment of assistance to the recipient after June 19,
20 1952, and shall be cumulative and shall include all amounts paid to the recipient.
21 The lien shall continue until it is satisfied, or becomes unenforceable.

22 (2) The lien shall not be effectual as against any mortgage, purchaser, or judgment
23 creditor without actual notice until notice thereof has been filed by the director of
24 public welfare of the city in the office of the county clerk of the county in which the
25 property is located. Such notice, from the date of the filing thereof, shall constitute
26 notice of all payments of assistance, whether paid prior or subsequent to the date of
27 the filing of the notice. Such notice shall be filed by the director of public welfare in

1 those cases in which it is discovered that the recipient has sufficient real estate to
2 justify the filing of such a notice.

3 (3) The director of public welfare shall file an adequate notice of the existence of the
4 lien provided for by this section which notice shall not specify the amount of
5 assistance paid but the director of public welfare shall furnish to any authorized
6 person upon proper request the total amount of the lien as of the date of the inquiry.

7 (4) The county clerk shall file, record and index such notices as other liens on real
8 estate are required by law to be filed, recorded and indexed but shall index said lien
9 only in the name of the recipient. The lien shall be designated "City's Lien."

10 (5) The clerk shall be entitled to a fee pursuant to Section 3 of this Act ~~of one dollar~~
11 ~~(\$1)}~~ for filing and indexing the lien. The department of public welfare of the city
12 shall pay the fee but the fee shall become a part of the lien as an added cost to the
13 recipient to be recovered at the time a lien is satisfied.

14 (6) The lien shall not be enforceable while the real estate is occupied by the surviving
15 spouse or until she remarries, or is occupied by a dependent child, provided, no
16 other action is brought to settle the estate.

17 (7) In any case in which it appears that it would be to the best interest of the recipient to
18 sell his real estate and reinvest the proceeds in other real estate, the department of
19 public welfare of the city may grant permission and waive the lien to the extent
20 necessary for the purpose of effecting the transfer but such lien shall attach to the
21 reinvested property.

22 (8) Any claim under KRS 98.011 to 98.014 may be precipitated and the lien provided
23 by this section may be enforceable during the lifetime of any person who has
24 received general assistance in order to recover any amount obtained as a result of
25 such person knowingly making a false statement or representation or knowingly
26 failing to disclose a fact to procure, increase, or continue any material benefit for
27 himself.

1 Section 14. KRS 100.127 is amended to read as follows:

- 2 (1) All agreements for joint or regional planning units shall be in writing, and shall
 3 describe the boundaries of the area involved, and shall contain all details which are
 4 necessary for the establishment and administration of the planning unit in regard to
 5 planning commission organization, preparation of plans, and aids to plan
 6 implementation. The agreement shall be adopted as an ordinance by the legislative
 7 bodies which are parties to the agreement in accordance with the procedures for the
 8 adoption of an ordinance pursuant to KRS Chapters 67, 67A, 67C, 83, and 83A, and
 9 filed in the office of the county clerk of all counties which are parties to the
 10 agreement or which contain a city which is a party to the agreement. The county
 11 clerk may charge a fee pursuant to Section 3 of this Act ~~of two and one-half dollars~~
 12 ~~(\$2.50)]~~ for the filing of the agreement. Combination under this subsection shall be
 13 permitted notwithstanding the fact that the governmental units are also involved in
 14 area planning under KRS 147.610 to 147.705. Combined planning operations shall
 15 be jointly financed, and the agreement shall state the method of proration of
 16 financial support.
- 17 (2) Agreements for planning units shall be in existence as long as at least two (2) of the
 18 original signators are operating under the combination despite the fact that other
 19 signators have withdrawn from the unit. In addition, any enlargement of a unit may
 20 be accomplished under the existing agreement by filing a copy of the agreement in
 21 the office of the county clerk of all member counties along with a statement as to
 22 when it was admitted to the unit. The clerk may charge a fee pursuant to Section 3
 23 of this Act ~~of two and one-half dollars (\$2.50)]~~ for the filing.
- 24 (3) If the planning unit, or any part thereof, has adopted regulations for historical
 25 districts under KRS 100.201 and 100.203, the planning agreement may provide for
 26 the creation of a three (3) or five (5) member board to advise the zoning
 27 administrator regarding issuance of permits in such districts, the board being guided

1 by the standards and restrictions of the community's comprehensive plan and by the
2 historical district regulations adopted by the planning unit.

3 (4) Notwithstanding any other provisions of this section, when a planning unit includes
4 a county with a consolidated local government created pursuant to KRS Chapter
5 67C, a planning agreement is not required.

6 Section 15. KRS 100.3681 is amended to read as follows:

7 (1) Effective October 1, 1988, the county clerk of every county containing a planning
8 unit which has enacted land use regulations pursuant to this chapter shall, upon
9 receipt of a recording fee pursuant to Section 3 of this Act ~~of ten dollars and fifty~~
10 ~~cents (\$10.50)]~~, file and maintain among the official records of his office
11 certificates of land use restriction completed according to this section and KRS
12 100.3682 to 100.3684. The certificates shall be in the form designated in KRS
13 100.3683; shall be completed and filed by the secretary of the planning commission,
14 board of adjustment, legislative body, or fiscal court which finally adopts or
15 imposes the land use restriction described in the certificate; and shall be filed within
16 thirty (30) days of the date upon which the body takes final action to impose or
17 adopt the restriction. The certificate shall set forth the name and address of the
18 property owner; the address of the property; the name of the subdivision or
19 development, if there is one; the name and address of the body which maintains the
20 original records containing the restriction; and shall indicate the type of land use
21 restriction adopted or imposed upon the subject property on or after October 1,
22 1988, including variances, conditional use permits, conditional zoning conditions,
23 unrecorded preliminary subdivision plats, and development plans; but not including
24 zoning map amendments which impose no limitations or restrictions upon the use
25 of the subject property other than those generally applicable to properties within the
26 same zone and not including any recorded subdivision plat. The county clerk shall
27 index the certificates by property owner and, if applicable, name of subdivision or

1 development. The county clerk shall maintain in his office a record of the name and
2 address of the agency having custody of the official zoning map for each planning
3 unit within the county. All zoning map amendments shall be reflected on the official
4 zoning map within thirty (30) days of the date upon which final action approving
5 the amendments is taken by the planning unit.

6 (2) The planning unit shall collect the county clerk's filing fee for the certificate from
7 the applicant at the time any proceeding is initiated which may result in the
8 imposition, adoption, amendment, or release of any land use restriction provided for
9 in this chapter; and the planning unit may also charge the applicant a fee for the
10 reasonable cost of completing and filing the certificate, not to exceed ten dollars and
11 fifty cents (\$10.50), in addition to any other applicable filing or administrative fee,
12 to compensate the planning unit for completing and filing the certificate. The fees
13 permitted by this subsection shall be refunded to the applicant in the event no land
14 use restriction is imposed or adopted as a result of the proceeding.

15 (3) When a restriction reflected on the certificate is amended, a new certificate shall be
16 filed. In the case of such amendment or in the event the original restriction is
17 released, the previous certificate shall be released by the secretary of the body which
18 amended or released the restriction in the same manner as releases of encumbrances
19 upon real estate.

20 (4) The failure to file, to file on time, or to complete the certificate properly or
21 accurately shall not affect the validity or enforceability of any land use restriction or
22 regulation. Any improper filing may be cured by a subsequent proper filing.
23 Nothing herein shall affect the running of time for any appeal or other act for which
24 a time limit is prescribed by this chapter.

25 Section 16. KRS 134.100 is amended to read as follows:

26 (1) The transferee shall have the certificate entered on the record of encumbrances on
27 real estate of the county in which the certificate was issued. If, within thirty (30)

1 days from date of issue, the certificate of transfer has not been so entered, the
 2 transferee shall lose his lien upon any property that has been transferred in good
 3 faith and for a valuable consideration before the recording and without notice of the
 4 existence of the certificate.

- 5 (2) The county clerk may charge a fee pursuant to Section 3 of this Act of twenty-five
 6 cents ~~(\$0.25)~~ for each such recordation and a similar fee for each release thereof.

7 Section 17. KRS 134.480 is amended to read as follows:

- 8 (1) The delinquent taxpayer or any person owning or having a legal or equitable interest
 9 in real property covered by a certificate of delinquency may at any time pay the total
 10 amount of the certificate to any purchaser thereof, and any person whatsoever may
 11 likewise pay a certificate of delinquency when the state, county, or taxing district
 12 was the purchaser. When a certificate is paid to an owner other than the state,
 13 county, or taxing district, the assignee shall mark paid in full on the certified copy
 14 of the certificate and shall surrender the certified copy of the certificate of
 15 delinquency to the person making payment, and if he is the person primarily liable
 16 on the certificate he may file it with the county clerk and have the certificate
 17 released of record. When a certificate of delinquency has been fully paid to the
 18 state, county, and taxing districts, the clerk shall note the name and address of the
 19 person making the payment, the amount paid by him, and such other information as
 20 the Department of Revenue may require. The clerk shall mark the certificate of
 21 delinquency paid in full. Payment in such instance by one other than the person
 22 primarily liable on the certificate will amount to an assignment thereof. The clerk
 23 shall note the assignment on the certificate of delinquency and provide the assignee
 24 a certified copy of the certificate of delinquency, or the clerk may provide for a
 25 certified electronic certificate of delinquency in the clerk's records in lieu of
 26 delivering a certified copy of the certificate of delinquency. Anyone other than the
 27 person primarily liable who pays a certificate or purchases it from an owner other

than the state, county, and taxing district may, by paying a fee pursuant to Section 3 of this Act~~[of fifty cents (\$0.50)]~~, have the clerk record the payment or purchase and such recordation shall constitute an assignment thereof. Failure to obtain such an assignment shall render the claim of such payor or purchaser to any real estate represented thereby inferior to rights of other bona fide purchasers, payors, or creditors. Any owner of a certificate of delinquency once having paid the assignment fee may have a change of his address noted of record by the clerk without paying an additional charge, otherwise he shall pay a fee pursuant to Section 3 of this Act~~[of fifty cents (\$0.50)]~~ to the clerk for entering such change on the certificate.

(2) The county clerk may receive payment of the amount due on certificates of delinquency owned by the state, county, and taxing districts, and he shall give a receipt to the payor and make a report to the Department of Revenue, the county treasurer, and the proper officials of the taxing districts as often as such units may require, and not less than once in every thirty (30) days. The clerk may accept payment of taxes due by any commercially acceptable means, including credit cards. He shall pay to the Department of Revenue for deposit with the State Treasurer all moneys collected by him due the state, to the county treasurer all moneys due the county, and to the authorized officers of the taxing districts the amount due each such district. He shall pay the amount of fees, costs, commissions, and penalties to the persons, agencies, or parties entitled thereto. He shall retain ten percent (10%) of the amount due each taxing unit for his services as a fee. This fee shall be added to the amount of the tax claim and paid by the persons paying the tax claim.

(3) If the person entitled to pay a certificate of delinquency sends a registered letter addressed to the owner of record of the certificate, other than the state, county, or taxing district, and the letter is returned by mail unclaimed, the sender thereof may make payment to the county clerk, who shall make the necessary assignment or

1 release and deposit the money in an escrow account for this specific purpose~~[to the~~
 2 ~~account of the owner of record]~~ in the nearest bank having its deposits insured with
 3 the Federal Deposit Insurance Corporation. The clerk may deduct the sum of ten
 4 dollars (\$10)~~[fifty cents (\$0.50)]~~ as a fee for such service. The name of the bank in
 5 which the money is deposited shall be noted on the certificate.

6 (4) If any clerk fails to pay to the person entitled thereto, upon demand, the money
 7 received in payment of a certificate of delinquency, he and his sureties shall be
 8 liable for the same and twenty percent (20%) interest thereon annually from the
 9 time he received it until paid.

10 (5) Copies of the records provided for in KRS 134.450 and this section, certified by the
 11 county clerk, shall be evidence of the facts stated in them in all the courts of this
 12 state.

13 Section 18. KRS 134.810 is amended to read as follows:

14 (1) All state, county, city, urban-county government, school, and special taxing district
 15 ad valorem taxes shall be due and payable on or before the earlier of the last day of
 16 the month in which registration renewal is required by law for a motor vehicle
 17 renewed or the last day of the month in which a vehicle is transferred.

18 (2) All state, county, city, urban-county government, school, and special taxing district
 19 ad valorem taxes due on motor vehicles shall become delinquent following the
 20 earlier of the end of the month in which registration renewal is required by law or
 21 the last day of the second calendar month following the month in which a vehicle
 22 was transferred.

23 (3) Any taxes which are paid within thirty (30) days of becoming delinquent shall be
 24 subject to a penalty of three percent (3%) on the taxes due. However, this penalty
 25 shall be waived if the tax bill is paid within five (5) days of the tax bill being
 26 declared delinquent. Any taxes which are not paid within thirty (30) days of
 27 becoming delinquent shall be subject to a penalty of ten percent (10%) on the taxes

1 due. In addition, interest at an annual rate of fifteen percent (15%) shall accrue on
2 said taxes and penalty from the date of delinquency. A penalty or interest shall not
3 accrue on a motor vehicle under dealer assignment pursuant to KRS 186A.220.

4 (4) When a motor vehicle has been transferred before registration renewal or before
5 taxes due have been paid, the owner pursuant to KRS 186.010(7)(a) and (c) on
6 January 1 of any year shall be liable for the taxes on the motor vehicle, except as
7 hereinafter provided.

8 (5) If an owner obtains a certificate of registration for a motor vehicle valid through the
9 last day of his second birth month following the month and year in which he applied
10 for a certificate of registration, all state, county, city, urban-county government,
11 school, and special tax district ad valorem tax liabilities arising from the assessment
12 date following initial registration shall be due and payable on or before the last day
13 of the first birth month following the assessment date or date of transfer, whichever
14 is earlier. Any taxes due under the provisions of this subsection and not paid as set
15 forth above shall be considered delinquent and subject to the same interest and
16 penalties found in subsection (3) of this section.

17 (6) For purposes of the state ad valorem tax only, all motor vehicles held for sale by a
18 licensed Kentucky dealer and all motor vehicles with a salvage title held by an
19 insurance company on January 1 of any year shall not be taxed as a motor vehicle
20 pursuant to KRS 132.485 but shall be subject to ad valorem tax as goods held for
21 sale in the regular course of business under the provisions of KRS 132.020(1)(m)
22 and 132.220.

23 (7) Any provision to the contrary notwithstanding, when any ad valorem tax on a motor
24 vehicle becomes delinquent, the state and each county, city, urban-county
25 government, or other taxing district shall have a lien on all motor vehicles owned or
26 acquired by the person who owned the motor vehicle at the time the tax liability
27 arose. A lien for delinquent ad valorem taxes shall not attach to any motor vehicle

1 transferred while the taxes are due on that vehicle. For the purpose of delinquent ad
 2 valorem taxes on leased vehicles only, a lien on a leased vehicle shall not be
 3 attached to another vehicle owned by the lessor.

4 (8) The lien required by subsection (7) of this section shall be filed and released by the
 5 automatic entry of appropriate information in the AVIS database. For the filing and
 6 release of each lien or set of liens arising from motor vehicle ad valorem property
 7 tax delinquency, a fee pursuant to KRS 134.810~~[of one dollar (\$1)]~~ shall be added
 8 to the delinquent tax account. The fee shall be collected and retained by the county
 9 clerk who collects the delinquent tax.

10 (9) The implementation of the automated lien system provided in this section shall not
 11 affect the manner in which commercial liens are recorded or released.

12 Section 19. KRS 205.7785 is amended to read as follows:

13 (1) An interstate lien may be created and a notice of interstate lien may be filed on all
 14 of an obligor's real and personal property that is located in another state to enforce a
 15 child support obligation which has been judicially or administratively established in
 16 the Commonwealth. The lien shall be filed in the appropriate offices of the state or
 17 county where the property of the obligor is located. All aspects of the lien, including
 18 its priority and enforcement, are governed by the law of the state where the property
 19 is located and shall remain until released by the authorized agent of the party which
 20 filed the lien, or in accordance with the laws of the state of filing.

21 (2) A lien to enforce a child support obligation which is created in another state shall be
 22 enforceable against all real and personal property of the obligor located in this state
 23 upon the filing of a notice of interstate lien with the county clerk of any county or
 24 counties in which the obligor has interest in property, and the notice shall be
 25 recorded in the same manner as notices of lis pendens. The recordation shall
 26 constitute notice of both the original amount of child support due and all subsequent
 27 amounts due by the same obligor. Upon request, an authorized agent of the party

1 which filed the notice of interstate lien shall disclose the specific amount of liability
 2 to any interested party legally entitled to that information. The notice, when so filed,
 3 shall be conclusive notice to all persons of the lien on the property having legal situs
 4 in that county. The lien shall commence as to property of the obligor located in the
 5 Commonwealth at the time the notice is filed and shall continue until the original
 6 amount of child support due and any subsequent amounts, including interest,
 7 penalties, or fees, are fully paid. The lien shall attach to all interest in the real and
 8 personal property in the Commonwealth, then owned or subsequently acquired by
 9 the obligor. The clerk shall be entitled to a fee pursuant to Section 3 of this Act ~~of~~
 10 ~~ten dollars (\$10)~~ for filing the lien and the same fee for releasing the lien.

11 (3) A child support lien created in another state shall be on a parity with state, county,
 12 and municipal ad valorem tax liens, and superior to the lien of any mortgage or
 13 other encumbrance created after the notice of interstate lien is recorded; however, it
 14 shall be subordinate to any child support lien which has been filed by the cabinet as
 15 to the same obligor and property.

16 (4) The authority by which the child support lien is created in another state and filed in
 17 this state shall be certified on the notice of interstate lien by a person who is
 18 authorized to certify on behalf of the party that is filing the notice of interstate lien.

19 (5) The secretary of the cabinet may promulgate administrative regulations under the
 20 provisions of KRS Chapter 13A to implement this section.

21 Section 20. KRS 235.066 is amended to read as follows:

22 At least thirty (30) days prior to the expiration of registration of any motorboat previously
 23 registered in the Commonwealth as provided by KRS 235.070, the owner of the
 24 motorboat shall be notified by mail on the same notice required by KRS 134.805(5) of the
 25 date of expiration. In addition, the Transportation Cabinet shall provide appropriate forms
 26 and information to permit renewal of motorboat registration to be completed by mail. Any
 27 registration renewal by mail shall require payment of an additional two dollars (\$2) ~~one~~

1 ~~dollar (\$1)}~~ fee which shall be received by the county clerk. Nonreceipt of the notice
 2 herein shall not constitute a defense to any registration related offense.

3 Section 21. KRS 269.230 is amended to read as follows:

- 4 (1) The clerk of the Circuit Court shall receive from the corporation not more than ten
 5 cents (\$0.10) for each parcel of land assessed, and shall deposit such sums in the
 6 manner provided for in KRS 30A.120. The county clerk shall receive pursuant to
 7 Section 3 of this Act ~~the same fees~~ for recording the assessment in his office.
- 8 (2) The board of directors of the corporation shall annually, in January, file with the
 9 county clerk a detailed statement of all money received by it, from whom received
 10 and how spent.

11 Section 22. KRS 279.490 is amended to read as follows:

- 12 (1) For acting upon, filing and recording articles of incorporation, articles of
 13 consolidation, articles of dissolution, or amendments to articles of incorporation or
 14 consolidation, the corporation shall pay to the Secretary of State a sum not to
 15 exceed two dollars (\$2), for which the Secretary of State shall give his receipt.
- 16 (2) For filing and recording articles of incorporation, articles of consolidation, articles
 17 of dissolution, or amendments to articles of incorporation or consolidation, the
 18 corporation shall pay to the county clerk a fee pursuant to Section 3 of this
 19 Act ~~sum not to exceed three dollars (\$3)~~, for which the county clerk shall give his
 20 receipt.
- 21 (3) No fee shall be paid or received for affixing the state seal to any of the documents
 22 mentioned in this section or to any copy thereof.
- 23 (4) The recordation of the documents mentioned in this section shall be exempt from all
 24 recording taxes.

25 Section 23. KRS 311.310 is amended to read as follows:

26 No school, college or professor may receive any body under KRS 311.300 until a bond
 27 has been given by the college. The bond shall be in the penal sum of one thousand dollars

1 (\$1,000), with good personal security, and approved by the clerk of the county in which
 2 the college or school is situated, conditioned upon the lawful disposition of all dead
 3 bodies that come into the possession of the college, or any professor thereof. The bond
 4 shall be filed in the clerk's office, and renewed every twelve (12) months. For taking and
 5 approving the bond the clerk shall be entitled to a fee pursuant to Section 3 of this Act ~~of~~
 6 ~~one dollar (\$1)}~~.

7 Section 24. KRS 337.075 is amended to read as follows:

8 (1) A lien may be placed on all property, both real and personal, of an employer who
 9 has been assessed civil penalties by the executive director for violations of the
 10 wages and hours provisions of this chapter, but not before all administrative and
 11 judicial appeals have been exhausted. The lien shall be in favor of the Department
 12 of Labor and shall be an amount totaling the unpaid wages and penalties due,
 13 together with interest at a rate of twelve percent (12%) per annum from the date the
 14 notice of the violation is final, but not before all administrative and judicial appeals
 15 have been exhausted. The lien shall be attached to all property and rights to property
 16 owned or subsequently acquired by the employer. The executive director or his
 17 designee shall record the lien as provided in subsection (2) of this section. The lien
 18 shall show the date on which the notice of violation was issued, the date of the
 19 violation, the name and last known address of the employer against whom the
 20 assessment was made, and the amount of unpaid wages, penalties, and interest. The
 21 lien shall be superior to the lien of any mortgage or encumbrance thereafter created
 22 and shall continue for ten (10) years from the time of the recording, unless sooner
 23 released or otherwise discharged.

24 (2) The lien shall be filed in any of the following offices in which the employer owns
 25 property or rights to property and any filing fees associated with filing the lien shall
 26 be pursuant to Section 3 of this Act ~~waived~~:

27 (a) The office of the county clerk of the county in which the defendant employer

1 resides.

2 (b) The office of the county clerk of the county in which the defendant employer
3 has its principal place of business.

4 (c) The office of the county clerk of any county in which the defendant employer
5 has property or an interest in property.

6 Section 25. KRS 338.201 is amended to read as follows:

7 (1) A lien may be placed on all property, both real and personal, of an employer who
8 has violated any requirement of this chapter, if the citation issued by the executive
9 director has been upheld by a final order of the review commission, but not before
10 all administrative and judicial appeals have been exhausted. The lien shall be in
11 favor of the Department of Labor and shall be an amount totaling the penalties due,
12 together with interest at a rate of twelve percent (12%) per annum from the date the
13 order of the review commission is final, but not before all administrative and
14 judicial appeals have been exhausted. The lien shall be attached to all property and
15 rights to property owned or subsequently acquired by the employer. The executive
16 director or his designee shall record the lien as provided in subsection (2) of this
17 section. The lien shall show the date on which the citation was issued, the date of
18 the violation, the name and last known address of the employer against whom the
19 assessment was made, and the amount of penalties and interest. The lien shall be
20 superior to the lien of any mortgage or encumbrance thereafter created and shall
21 continue for ten (10) years from the time of the recording, unless sooner released or
22 otherwise discharged.

23 (2) The lien shall be filed in any of the following offices in which the employer owns
24 property or rights to property and any filing fees associated with filing the lien shall
25 be pursuant to Section 3 of this Act~~[waived]~~:

26 (a) The office of the county clerk of the county in which the defendant employer
27 resides.

1 (b) The office of the county clerk of the county in which the defendant employer
2 has its principal place of business.

3 (c) The office of the county clerk of any county in which the defendant employer
4 has property or an interest in property.

5 Section 26. KRS 341.310 is amended to read as follows:

- 6 (1) A lien on a parity with state, county, and municipal ad valorem tax liens, and
7 superior to the lien of any mortgage or other encumbrance heretofore or hereafter
8 created is hereby created in favor of the cabinet upon all property of any subject
9 employer from whom contributions, interest or penalties are or may hereafter
10 become due. The lien shall commence from such time as any assessment becomes
11 delinquent and it shall continue until the amount of the original assessment and any
12 subsequent assessments of liability for contributions, interest, penalties or fees are
13 fully paid. The lien shall attach to all interest in property, either real or personal,
14 then owned or subsequently acquired by the person against whom the assessment is
15 made. The cabinet may file notice of the lien with the county clerk of any county or
16 counties in which the subject employer's business or residence is located, or in any
17 county in which the subject employer has interest in property and such notice shall
18 be recorded in the same manner as notices of lis pendens are and the file shall be
19 designated "miscellaneous state tax liens." Such recordation shall constitute notice
20 of both the original assessment and all subsequent assessments of liability against
21 the same subject employer. Upon request, the cabinet shall disclose the specific
22 amount of liability at a given date to any interested party legally entitled to such
23 information. The notice, when so filed, shall be conclusive notice to all persons of
24 the lien on the property having legal situs in that county, except that nothing in this
25 chapter shall be construed to alter or change in any way the law relative to the rights
26 and duties of a holder in due course as provided in KRS Chapter 355, Art. 3, or
27 affect the rights of any person taking the property or a lien thereon for value without

1 actual or constructive notice. The clerk shall be entitled to a fee pursuant to Section
 2 3 of this Act~~[of five dollars (\$5)]~~ for filing the lien and the subsequent release or
 3 partial release, and said fee shall become a part of the lien as an added cost of the
 4 delinquent subject employer to be paid by him as a part of the amount necessary to
 5 release the lien and shall not be the responsibility of the Commonwealth.

- 6 (2) In addition and as an alternative to any other remedy, the secretary may enforce the
 7 lien by petition in the name of this state to the Franklin Circuit Court, if the
 8 ministerial acts necessary to enforce the lien by the sale of the lien property or any
 9 part of it are performed by the appropriate officers of the Circuit Court of the county
 10 in which the property is situated under the direction of and reporting to the Franklin
 11 Circuit Court. The manner of enforcement shall be the same as that provided for the
 12 enforcement of other tax liens.

- 13 (3) (a) The secretary may issue a certificate of release of lien upon the furnishing of a
 14 corporate surety bond satisfactory to the secretary by such employing unit in
 15 the amount of one hundred twenty-five percent (125%) of the sum of such
 16 contributions, interest and penalty, for which lien is claimed, conditioned
 17 upon the prompt payment of such contribution, together with interest and
 18 penalty thereon, by such employing unit to the cabinet in accordance with the
 19 provisions set forth in such bond.

- 20 (b) The secretary may issue a certificate of partial release of any part of the
 21 property subject to the lien if he finds that the fair market value of that part of
 22 such property remaining subject to the lien is at least equal to the amount of
 23 all other liens upon such property plus double the amount of the liability for
 24 contributions, interest and penalties thereon remaining unsatisfied.

- 25 (c) The secretary may issue a certificate of partial release of any part of the
 26 property or individual piece of property subject to the lien if he finds that the
 27 interest of the Commonwealth in the property to be so released has no value.

1 Section 27. KRS 359.050 is amended to read as follows:

- 2 (1) No proprietor, lessee or manager of a public grain warehouse shall transact any
 3 warehouse business therein until he has obtained for that year a grain
 4 warehouseman's license from the county clerk, and no such proprietor, lessee or
 5 manager shall continue such business after his license is revoked or has expired,
 6 except but by delivering property previously stored in his warehouse.
- 7 (2) The county clerk shall issue each grain warehouseman's license upon written
 8 application and upon payment of a fee pursuant to Section 3 of this Act ~~of one~~
 9 ~~dollar (\$1))~~. The application shall state the location and name of the warehouse, the
 10 name of each person interested as owner or principal in its management and, if the
 11 warehouse is owned or kept by a corporation, the name of the corporation and the
 12 names of its president, secretary and treasurer. Each license issued shall be recorded
 13 in the bond and power of attorney book in the office of the county clerk.
- 14 (3) The license provided for by this section shall not dispense with the requirement of
 15 obtaining from year to year such license as the city in which the warehouse is
 16 located may require for the purpose of taxation.
- 17 (4) A grain warehouseman's license may be revoked by the Circuit Court in summary
 18 proceedings, upon written complaint of any person setting forth the particular
 19 violation of law and on satisfactory proof taken as directed by the court. The court,
 20 in revoking the license, may adjudge that no new license shall be granted to the
 21 defendant until at least one (1) year after the revocation.

22 Section 28. KRS 365.445 is amended to read as follows:

23 A license to conduct a sale issued pursuant to KRS 365.410 to 365.480 and 365.992 shall
 24 not be issued or valid for a period of more than thirty (30) days from the start of the sale,
 25 and the sale may be conducted only during the period set forth in the license. The license
 26 may be renewed not more than once for a period not to exceed thirty (30) days upon
 27 affidavit of the licensee that all of the goods listed in the inventory have not been

1 disposed of and that no new goods have been or will be added to the inventory previously
 2 filed pursuant to KRS 365.410 to 365.480 and 365.992, by purchase, acquisition on
 3 consignment or otherwise. The application for renewal of the license shall be made not
 4 more than thirteen (13) days prior to the time of the expiration of the license and shall
 5 contain a new inventory of goods remaining on hand at the time the application for
 6 renewal is made, which new inventory shall be prepared and furnished in the same
 7 manner and form as the original inventory. No renewal shall be granted if any goods have
 8 been added to the stock listed in the inventory since the date of the issuance of the
 9 license. A fee pursuant to Section 3 of this Act~~[of twenty five dollars (\$25)]~~ shall
 10 accompany an application for the license and for each renewal of a license.

11 Section 29. KRS 376.250 is amended to read as follows:

12 (1) When an attested copy of the lien statement and proof of the delivery of an attested
 13 copy as provided in KRS 376.240 is delivered to any public authority which has
 14 contracted for the construction or improvement of any bridge, public highway, or
 15 other public property owned by the state, a subdivision or agency thereof, or by any
 16 city, county, urban-county, or charter county government, the public authority shall
 17 endorse on the attested copy the date of its receipt, file the copy and deduct and
 18 withhold the amount thereof, plus pursuant to Section 3 of this Act~~[\$1.25]~~ to cover
 19 the fee of the county clerk for filing the statement and attesting a copy, from any
 20 amount then due the contractor, and if a sufficient amount is not then due the
 21 contractor from the next payments which become due.

22 (2) Unless the contractor, within thirty (30) days from the date of the delivery of the
 23 attested copy, files with the public authority a written protest putting in issue the
 24 correctness of the amount due the lien claimant or the liability of the fund for
 25 payment thereof, the amount withheld shall be paid by the public authority to the
 26 lien claimant and charged to the account of the contractor, which payment shall
 27 operate as a pro tanto release of the public authority from any claim of the

1 contractor under the contract for the amount so paid. The filing in the county clerk's
2 office of the statement of lien provided for in KRS 376.230(2) shall be constructive
3 notice to the contractor of the filing of the claim.

4 (3) If the contractor files a written protest as provided in subsection (2) of this section,
5 the public authority with whom the protest is filed shall endorse thereon the date of
6 its receipt. The public authority shall promptly send written notice of the protest to
7 the lien claimant by certified mail, return receipt requested and shall not pay over to
8 the lien claimant any of the money withheld from the contractor until authorized to
9 do so by the contractor or until directed to do so by an order or judgment of court.

10 (4) If suit is not instituted by the lien claimant for the enforcement of the lien and
11 summons in the suit is not served on the public authority or its chairman within
12 thirty (30) days after the written notice of the protest is mailed to the claimant, then
13 the lien shall automatically be released and the funds withheld pursuant to the filing
14 of the lien statement shall be released and promptly paid to the contractor. If suit is
15 filed and summons served within the time provided, the payment of the funds shall
16 be withheld until ordered to be released or paid over by an order or judgment of the
17 court, and then paid as directed by the order or judgment.

18 (5) All suits for the enforcement of these liens on public funds shall be instituted in the
19 Circuit Court of the county in which is located the property on which the
20 improvement is made, except where the property is owned by a public university.
21 Where the property is owned by a public university, the suit shall be instituted in the
22 Circuit Court of the county in which is located the main campus of the public
23 university. This court shall have exclusive jurisdiction for the enforcement of liens
24 asserted against the public funds due the contractors, subject to the same rights of
25 appeal as in other civil cases.

26 Section 30. KRS 365.680 is amended to read as follows:

27 (1) Each application for a transient merchant permit shall be accompanied by a permit

1 fee pursuant to Section 3 of this Act~~[of twenty-five dollars (\$25)]~~ to be retained by
 2 the office of the county clerk or the officer of an urban-county government having
 3 the responsibility for the issuance of business permits and licenses generally. In
 4 addition, any applicant who will be selling goods, wares or merchandise during the
 5 permit period which have an aggregate market value of one thousand five hundred
 6 dollars (\$1,500) or more, shall secure and submit evidence of security, a cash bond
 7 or a surety bond in the amount of one thousand dollars (\$1,000) or five percent
 8 (5%) of the retail value of any goods, wares or merchandise to be offered for sale,
 9 whichever sum is greater. Such evidence of security shall be held by the Attorney
 10 General and he shall issue a certificate of security to be used by the applicant as
 11 evidence of security.

12 (2) The surety bond required by this section shall be in favor of the Commonwealth of
 13 Kentucky and shall assure the payment by the applicant of all taxes that may be due
 14 from the applicant to the state or any political subdivision of the state, the payment
 15 of any fines that may be assessed against the applicant or its agents or employees for
 16 violation of the provisions of KRS 365.650 to 365.695, and for the satisfaction of
 17 all judgments that may be rendered against the transient merchant or its agents or
 18 employees in any cause of action commenced by any purchaser of goods, wares or
 19 merchandise within one (1) year from the date of the sale by such transient
 20 merchant.

21 (3) The bond shall be maintained so long as the transient merchant conducts business in
 22 the Commonwealth of Kentucky and for a period of one (1) year after the
 23 termination of such business and shall be released only when the transient merchant
 24 furnishes satisfactory proof to the Attorney General that it has satisfied all claims of
 25 purchasers of goods, wares or merchandise from such merchant, and that all state
 26 and local sales taxes and other taxes have been paid.

27 Section 31. KRS 367.515 is amended to read as follows:

- 1 (1) Upon registration, every solicitor shall pay the county clerk a ~~five dollar (\$5)~~
2 ~~service] fee~~ pursuant to Section 3 of this Act and the county clerk shall issue the
3 solicitor a numbered receipt to be effective for a period of one (1) year from the date
4 of registration.
- 5 (2) Prior to actual solicitation, the solicitor shall display to the potential purchaser the
6 registration receipt issued by the county clerk if soliciting in person or cite to the
7 potential purchaser the number of the registration receipt if soliciting by telephone.
- 8 (3) The provisions of KRS 367.513 to 367.530 shall not apply to minors soliciting
9 orders for articles mentioned in KRS 367.510 when such sales are made for the sole
10 purpose of obtaining funds for a school band, club or other organization and such
11 sales are approved in writing by the superintendent of the school system at which
12 the minors are students. The written approval of the superintendent shall identify
13 the product or products being sold, the solicitors to be involved and the duration of
14 sales and shall be filed with the county clerk.

15 Section 32. KRS 382.470 is amended to read as follows:

16 Any notice mentioned in KRS 382.440 and 382.450 may be discharged and annulled by
17 an entry to that effect on the margin of the record thereof, or at the option of the county
18 clerk, in a marginal entry record kept for the same purpose, signed by the person filing the
19 notice or by his or their attorney of record in the action, or by a writing executed,
20 acknowledged, and recorded in the manner provided for conveyance of land. The clerk
21 shall, at the option of the clerk, either link the discharge and its filing location to its
22 respective referenced instrument in the indexing system for the referenced instrument, or
23 enter a memorandum of such discharge on the margin of such record for which he shall
24 charge a fee pursuant to Section 3 of this Act ~~of twenty five cents (\$0.25)]~~, to be paid in
25 advance. Each entry in the marginal entry record shall be linked to its respective
26 referenced instrument in the indexing system for the referenced instrument.

27 Section 33. KRS 365.680 is amended to read as follows:

- 1 (1) Each application for a transient merchant permit shall be accompanied by a permit
2 fee pursuant to Section 3 of this Act~~[of twenty five dollars (\$25)]~~ to be retained by
3 the office of the county clerk or the officer of an urban-county government having
4 the responsibility for the issuance of business permits and licenses generally. In
5 addition, any applicant who will be selling goods, wares or merchandise during the
6 permit period which have an aggregate market value of one thousand five hundred
7 dollars (\$1,500) or more, shall secure and submit evidence of security, a cash bond
8 or a surety bond in the amount of one thousand dollars (\$1,000) or five percent
9 (5%) of the retail value of any goods, wares or merchandise to be offered for sale,
10 whichever sum is greater. Such evidence of security shall be held by the Attorney
11 General and he shall issue a certificate of security to be used by the applicant as
12 evidence of security.
- 13 (2) The surety bond required by this section shall be in favor of the Commonwealth of
14 Kentucky and shall assure the payment by the applicant of all taxes that may be due
15 from the applicant to the state or any political subdivision of the state, the payment
16 of any fines that may be assessed against the applicant or its agents or employees for
17 violation of the provisions of KRS 365.650 to 365.695, and for the satisfaction of
18 all judgments that may be rendered against the transient merchant or its agents or
19 employees in any cause of action commenced by any purchaser of goods, wares or
20 merchandise within one (1) year from the date of the sale by such transient
21 merchant.
- 22 (3) The bond shall be maintained so long as the transient merchant conducts business in
23 the Commonwealth of Kentucky and for a period of one (1) year after the
24 termination of such business and shall be released only when the transient merchant
25 furnishes satisfactory proof to the Attorney General that it has satisfied all claims of
26 purchasers of goods, wares or merchandise from such merchant, and that all state
27 and local sales taxes and other taxes have been paid.

1 Section 34. KRS 423.020 is amended to read as follows:

2 (1) A notary public may exercise all the functions of his office in any county of the
3 state, by filing in the county clerk's office in such county his written signature and a
4 certificate of the county clerk of the county for which he was appointed, setting
5 forth the fact of his appointment and qualification as a notary public, and paying a
6 fee pursuant to Section 3 of this Act~~[of one dollar (\$1)]~~ to the county clerk.

7 (2) The county clerk of a county in whose office any notary public has so filed his
8 signature and certificate shall, when requested, subjoin to any certificate of proof or
9 acknowledgment signed by the notary a certificate under his hand and seal, stating
10 that such notary public has filed a certificate of his appointment and qualifications
11 with his written signature in his office, and was at the time of taking such proof or
12 acknowledgment duly authorized to take the same; that he is well acquainted with
13 the handwriting of the notary public and believes that the signature to such proof or
14 acknowledgment is genuine.

15 Section 35. KRS 532.164 is amended to read as follows:

16 (1) Any convicted person owing fines, court costs, restitution, or reimbursement before
17 or after his release from incarceration shall be subject to a lien upon his interest,
18 present or future, in any real property.

19 (2) The real property lien shall be filed in the circuit clerk's office of the county in
20 which the person was convicted and shall also be filed by the Commonwealth in
21 any county in which the convicted person is known to own property or reside.

22 (3) The lien may be foreclosed upon in the manner prescribed in KRS Chapter 426 and
23 shall remain valid until satisfied. The lien shall constitute a charge against the estate
24 of any decedent owing moneys under this chapter.

25 (4) The attorney for the Commonwealth, and not the crime victim, shall prepare and file
26 lien documents for moneys to be restored to the crime victim. The manner of filing,
27 recording, and releasing the lien shall be consistent with the provisions of KRS

Chapter 376.

(5) The attorney for the Commonwealth shall pay to the county clerk a fee pursuant to Section 3 of this Act for filing the lien and subsequent release,~~[five dollars (\$5)]~~ which shall be assessed as court costs for the filing of any lien upon real estate.~~[The filing fee shall constitute payment for both filing and release of the lien.]~~ The attorney for the Commonwealth shall notify the appropriate county clerk that the lien has been satisfied within ten (10) days of satisfaction.

(6) A lien under this section shall bear interest at the same rate as for a civil judgment unless the court orders that interest not be awarded. In considering whether interest shall be awarded, the court shall consider the following factors, among others:

- (a) The defendant's ability to pay the amount of the interest;
- (b) The hardship likely to be imposed on the defendant's dependents by paying the amount of the interest and the time and method of paying it;
- (c) The impact that the amount of the interest will have on the defendant's ability to make reparation or restitution to the victim; and
- (d) The amount of the defendant's gain, if any, derived from the commission of the offense.

Section 36. KRS 137.115 is amended to read as follows:

- (1) The fiscal court of each county is hereby given the authority to impose with respect:
- (a) To each restaurant serving meals, a license fee not to exceed ten dollars (\$10) per annum;
 - (b) To each retail outlet of soft drinks or ice cream, a license fee not to exceed five dollars (\$5) per annum. In cases where ice cream and soft drinks are sold by the same retail outlet, one (1) license tax not to exceed ten dollars (\$10) per annum;
 - (c) To each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee not to exceed

1 thirty dollars (\$30) per annum for the first table or alley and not to exceed five
2 dollars (\$5) per annum for each additional table or alley;

3 (d) To each place where tobacco products are sold at retail, a license fee not to
4 exceed ten dollars (\$10) per annum.

5 (2) All license fees shall be payable to the county clerk and be credited to the general
6 fund of the county to be used for county purposes only.

7 (3) The fiscal court of any county may allow the county clerk a commission not to
8 exceed five percent (5%) on the license fees collected and accounted for by him
9 under this section in addition to the ~~one dollar and a half (\$1.50)~~ fee provided in
10 KRS 64.012.

11 Section 37. KRS 413.100 is amended to read as follows:

12 No promise, acknowledgment or payment of money by any person bound on any bond or
13 obligation for the payment of money secured by a lien shall operate as a prolongation or
14 extension of the time within which the lien may be enforced as against purchasers or
15 creditors, unless the promisor and the holder of the lien, before fifteen (15) years after the
16 maturity of the debt, enters a memorandum on the margin of the record of the deed or
17 mortgage, attested by the clerk, showing that the debt is extended, for what time it is
18 extended and the amount still due thereon. The payee shall pay the clerk a fee pursuant to
19 Section 3 of this Act ~~of twenty-five cents (\$0.25)~~ for his services.

20 Section 38. Section 3 of this Act takes effect on August 1, 2006, and Sections 1, 2,
21 and 4 to 37 of this Act take effect on January 1, 2007.